REMARKS

Applicant respectfully requests that *ex parte* prosecution be reopened before the primary examiner for entry of the above amendments and consideration of the following remarks directed to the new ground of rejection under 35 U.S.C. §101 presented in the Supplemental Examiner's Answer issued December 9, 2008.

Claims 2-5 have been amended above to address the new grounds of rejection of claims 2-6 under 35 U.S.C. §101. Support for the amendments may be found throughout the original specification and particularly in paragraphs [0068] and [0079] and in Figure 3 of the published specification (U.S. Publication No. 2003/0135445). No new matter has been added by the above amendments. Upon entry of the above amendments, claims 2-6 remain in the application.

New Ground of Rejection Under 35 U.S.C. §101

Claims 2-6 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter in that the claimed method is allegedly not directed to another statutory class of invention and allegedly does not transform the underlying subject matter to a different state or thing. Claims 2-5 have been amended to obviate this rejection.

In particular, independent claim 2 now positively recites a method of predicting stock market behavior using trading software implemented on a processor, where the trading software includes a data analysis tool implementing natural language processing and a stock predictor implementing a stock prediction model. The claimed method is thus implemented using trading software that those skilled in the art will appreciate to be implemented on a processor as now claimed. The trading software, in turn, includes a data analysis tool and a stock predictor to implement the claimed steps. Thus, the claimed method is implemented on a machine comprising a processor programmed with trading software configured to cause the processor to implement the functions of the claimed data analysis tool and stock predictor.

Those skilled in the art will further appreciate that the claimed method transforms "information from new media relating to a particular publicly traded company" into predicted changes in stock price of the particular publicly traded company. In other words, the company information is converted into a stock price differential, which is "a practical application of a fundamental principle to transform specific data" into another state or thing

and is thus sufficient to satisfy the machine-or-transformation test of *In re Bilski*, No. 2007-1130, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. Oct. 30, 2008) (*en banc*).

For at least these reasons, the amendments to claims 2-5 are believed to be statutory and to overcome the new grounds of rejection of claims 2-6 under 35 U.S.C. §101. Withdrawal of the new grounds of rejection is requested.

Claim Rejections – 35 U.S.C. §103

Claims 2-6 remain rejected under 35 U.S.C. §103(a) as allegedly being obvious over an article by Wuthrich et al. entitled "Daily Stock Market Forecast from Textual Web Data" ("the Wuthrich article") in view of an article by Roesler et al. entitled "Intelligent Agents" ("the Roesler article"). Applicant again traverses this rejection for the reasons set forth in the Amended Appeal Brief submitted on September 8, 2006. The arguments set forth in that Appeal Brief are hereby incorporated by reference. Withdrawal of the rejection of claims 2-6 under 35 U.S.C. §103(a) is respectfully solicited.

Conclusion:

The claims as amended are believed to recite statutory subject matter and to be novel and nonobvious over the prior art cited by the Examiner. Withdrawal of the New Grounds of Rejection under 35 U.S.C. §101 and either withdrawal of the obviousness rejection or reinstatement of the appeal of the obviousness rejection are solicited.

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